

Committee, does the bill that we are currently debating address the problems being faced by group life insurers?

Mr. GRAMM. I thank the Senator from Nebraska for raising this important question. I believe that this bill does not speak individually to the issues now confronting the group life insurance industry. I would note that the bill does contain a provision that requires the Secretary of the Treasury, after consultation with the Nation of Association of Insurance Commissioners and representatives of the insurance industry and other experts, to study the potential effects of acts of terrorism on the availability of life insurance and other lines of insurance coverage.

Ms. SNOWE. I thank the senior Senator from Texas for his remarks. I am concerned that the study may not be completed in sufficient time to help the group life insurers avail themselves of the help that the property and casualty companies are getting in this bill. I would therefore ask the Senator from South Dakota, a senior member of the Senate Banking Committee, if he believes the needs of group life insurers are adequately addressed in this bill or its companion measure, passed by the House last November?

Mr. JOHNSON. I thank the senior Senator from Maine for her question. I believe that the needs of group life insurers are not adequately met by this bill. I find this problematic because of the role that group life insurance plays for the majority of American families. I am particularly concerned about the families of firefighters and other first responders. We ask firefighters and other first responders to risk their lives for us in the event of a terrorist attack. We have to make sure that basic group life insurance is there for them. I am also concerned about families whose wage earners are at the lower end of the pay scale. These families often find that they are able to secure more life insurance than they could otherwise afford because their employer is subsidizing it.

Finally, I am concerned about those families with a spouse who has had a serious medical problem. These families often find that the only life insurance they can afford or even find is group life.

We need to make sure that this industry remains highly competitive and able to pay all of the claims that might be made in the event of a future terrorist attack.

Ms. COLLINS. I thank my colleagues for participating in this colloquy, which has added measurably to the debate on the underlying bill. I thank particularly the distinguished senior Senators from Texas and Connecticut, without whom this bill would not be before us today, and I would like to ask them if they would commit to doing all they could to ensure that the legitimate needs of group life insurers are addressed in the conference on this legislation.

Mr. GRAMM. I would say to the gentlelady from Maine that this is an important issue that was brought to our attention only after the basic legislation was drafted. For that reason, I have every intention of making sure that, in conference, we give full consideration to the problems faced by the group life industry.

Mr. DODD. I concur with the senior Senator from Texas and will do all I can to address the legitimate needs of group life insurers in conference. To that end, I would invite the group life industry to continue to work with us so that we can better understand the problems that it now faces.

Mr. GREGG. I share the concerns of my colleagues regarding this issue and would add that we should facilitate insurance coverage for buildings subject to terrorist attacks, as well as for the people who work inside them. I look forward to addressing these issues in conference.

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. REID. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent the Senate now proceed to a period of morning business with Senators allowed to speak therein for not to exceed 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### YUCCA MOUNTAIN LEGISLATION

Mr. ENSIGN. Madam President, I rise today to respond to remarks by the senior Senator from Idaho on the Senate floor procedures outlined in the Nuclear Waste Policy Act regarding Yucca Mountain. And I come to the floor today out of great respect for the traditions of the U.S. Senate. I am a freshman Senator. I have only been here a year. But one of the first things I did when I arrived was to seek the advice of the senior Senator from West Virginia, Senator BYRD, our very own Senate historian. I asked him for a copy of his history of the Senate which I have turned to often. I haven't had the opportunity to speak to him directly on this matter, but I turned to his books for guidance.

Madam President, when you have the chance, turn to Volume II page 191, and see what Senator BYRD says about the powers of the majority leader. He says the majority leader . . . "determines what matters or measures will be scheduled for floor action and when." The Senator from Idaho is planning to change that by asserting that it would be alright for any member to determine when the Yucca Mountain resolution comes to floor. he said that, "the

Nuclear Waste Policy Act provides a special statutory authority to make exception to contemporary practice." That is not the case. I have the act right here.

The Nuclear Waste Policy Act of 1982 does state that it shall be in order "for any Member of the Senate to move to proceed to the consideration of such resolution." But the act also states that the procedures outlined in the Nuclear Waste Policy Act "supersede other rules of the Senate only to the extent that they are inconsistent with such other rules."

The Nuclear Waste Policy Act provision permitting any Member to move to proceed to the consideration of the Yucca Mountain resolution is consistent with Senate rules, therefore it does not supersede the rules of the Senate. In the modern history of the Senate, no Member, other than the majority leader (or a designee), has successfully made a motion to proceed to a matter or measure.

Here are the facts:

CRS indicates there are six statutory expedited procedures in current law which explicitly state that "any Member of the Senate" may offer the motion to proceed: Executive Reorganization Act; Atomic Energy Act; Defense Base Closure and Realignment Act of 1990; Balanced Budget and Emergency Deficit Control Act; Balanced Budget Emergency Deficit Control Act; Nuclear Waste Policy Act of 1982.

According to a March 28, 2002 CRS memorandum, the language in these six statutes which states that "any Member of the Senate" may offer the motion to proceed is "consistent with the Standing Rules of the Senate, which permit any Senator to make a motion to proceed, but also with the general Senate practice under which Senators routinely concede to the majority leader the function of taking actions to determine the floor agenda.

So the Nuclear Waste Policy Act is not, as the senior Senator from Idaho stated, "a special procedure."

Next, a June 11 CRS memorandum indicates that since the 100th Congress, consideration of five measures was governed by some statutory procedure explicitly permitting any Senator to offer a motion to proceed to consider. In three of these cases, action to call up the measure for consideration was taken by the Senate majority leader. However, in two of those cases, no Senator took action to call up the other two measures. The majority leader secured their indefinite postponement. That means no Senators offered a motion to proceed, even when explicitly permitted to do so by statute. The majority leader kept control of the Senate.

The Senate is a body which, quite rightly, reveres tradition. We must, as we have so few rules. As a new Member, I relied on the guidance from the Parliamentarian, the Congressional Research Service, and my senior colleagues. I am certain that if anyone,